

REGIONAL ISSUES

Compact of Free Association

Operation of Telecommunication Services

**Amendments to the
Agreement Between the
UNITED STATES OF AMERICA
and PALAU**

Signed at Honolulu September 3, 2010



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“...the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

PALAU

Regional Issues: Compact of Free Association Operation of Telecommunication Services

*Amendments to agreement;
Signed at Honolulu September 3, 2010;
Entered into force September 19, 2018.*

Appendix F(2):

Agreement between
the Government of the United States of America
and
the Government of the Republic of Palau
to Amend the Agreement Regarding the Operation of Telecommunication
Services of the Government of the United States in Palau Concluded
Pursuant to Section 132 of the Compact of Free Association

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The Government of the United States of America and the Government of the Republic of Palau hereby agree to amend the Agreement Regarding the Operation of Telecommunication Services of the Government of the United States in Palau Concluded Pursuant to Section 132 of the Compact of Free Association, signed at Koror, Republic of Palau, January 10, 1986 (the Compact), to read as follows:

Article I
Definitions

The Definitions of Terms set forth in the following documents are incorporated into this Agreement.

- (a) Article VI of Title Four of the Compact;
- (b) Paragraph 2 of Article I of the Status of Forces Agreement Concluded Pursuant to Section 323 of the Compact (the Status of Forces Agreement); and
- (c) Paragraph 2 of Article I of the Federal Programs and Services Agreement Concluded Pursuant to Article II of Title Two and Section 232 of the Compact (the Federal Programs and Services Agreement).

Article II
General Provisions

1. The Governments of Palau shall permit the Government of the United States to operate telecommunications services in Palau to the extent necessary to fulfill the obligations of the Government of the United States under the Compact.
2. The Government of the United States may take within Palau measures for the installation, operation and maintenance of its telecommunication services, including:
 - (a) the operation and maintenance of all telecommunication facilities, and use of the associated radio frequencies authorized for use, or authorized in use by it, upon the entry into force of this Agreement;
 - (b) the installation, operation and maintenance of new or additional telecommunication facilities in Palau. Such actions will be coordinated with the Government of Palau;
 - (c) the regulation and control of all telecommunications of the Government of the United States, including the licensing of operations personnel; and
 - (d) the use of codes, ciphers and other means of cryptographic security.
3. The Government of Palau:
 - (a) permits the operation of United States telecommunication facilities in Palau, and will ensure that the provision of frequencies to the Government of the United States shall be free from all license requirements, taxes, duties, fees and charges;
 - (b) shall make prompt and reasonable efforts to satisfy requests by the Government of the United States for changes in existing frequencies and for requests for additional frequencies; and
 - (c) shall accept as its own, without a test or fee, the permits or licenses issued to United States personnel by the Government of the United States.
4. In Palau, permits and licenses issued to United States personnel by the Government of the United States shall be solely for the operation of telecommunications facilities of the Government of the United States.
5. (a) For the purpose of carrying out the provisions of this Agreement, Competent Authorities shall be designated by each of the signatory Governments. The Competent Authority of the Government of the United States and the Competent Authority of the Government of Palau may communicate directly with each other. The designation by a Government of the Competent Authority will be communicated in writing to each signatory Government and such designation may, from time to time, be amended.

(b) In order to harmonize the telecommunication operations of the Government of the United States with those of the Governments of Palau, the Competent Authorities shall establish a Joint Telecommunication Board which shall meet at least annually or more often as may be required. The Board will review plans for changes to the respective telecommunication systems of the parties to ensure maximum possible compatibility and interoperability. The secretariat and host for meetings of the Board will be as mutually agreed by the parties.

6. The Government of the United States, through its Competent Authority, shall coordinate proposed major changes to United States telecommunications and extraordinary activities or exercises which would have the potential of causing either electromagnetic or physical interference with other systems used or licensed by the Government of Palau. The Government of Palau, through its Competent Authority, shall coordinate similar changes with the United States Competent Authority. The Government of the United States and Government of Palau shall use their best efforts to avoid both electromagnetic and physical interference to each other's telecommunication operations. In the event the Competent Authorities cannot reach a mutually satisfactory agreement through consultations, the matter will be referred to their respective Governments for resolution in accordance with the provisions of Article V of Title Three or Article II of Title Four of the Compact, as appropriate.

7. Transmitter and receiver antennas installed by the Government of the United States shall be located and constructed so as not to constitute hazards including, inter alia, hazards to air navigation.

Article III

Defense Telecommunication Provisions

1. The Armed Forces of the United States and their United States contractors may take in Palau measures for the installation, operation and maintenance of telecommunication services pursuant to Title Three of the Compact and its related agreements. These measures include the right, as provided for in this Agreement, to install, operate and maintain:

(a) Radio communication, radar and telemetry systems including:

(1) Major radio communication facilities as links with the world-wide military network of the United States;

(2) Such other lesser radio-telephonic and telegraphic communication Facilities, including the Military Affiliate Radio System as may be required for the support of military and administrative services of the Armed Forces of the United States;

(3) Television systems;

(4) Radio facilities for communication with aircraft and surface vessels;

- (5) Satellite communications;
- (6) Such other broadcasting stations contributing to the morale, welfare and training of the Armed Forces of the United States and its contractors, which includes the Armed Forces Radio and Television Service, and short-range broadcasting stations; and
- (7) Such other telecommunication facilities as may be required from time to time.
 - (a) Aids to air navigation and airfield approach control systems including electronic navigation and landing aids, such as airport surveillance radars, ground control approach (GCA), TACAN and instrument landing systems (ILS), and other such aids as may be developed and adapted for such use.
 - (b) Telecommunication equipment in connection with the operation of weather facilities.
 - (c) The list of activities contained in Article III, paragraph 1 above, of this Agreement, is a non-exclusive, illustrative listing of the telecommunications activities which the United States may take in Palau, i.e. the list from 1(a) to 1(c).
 - (d) The term "television systems" as used in Article III, paragraph 1(a)(3) refers only to such systems used for surveillance monitoring, security systems and other such uses, but does not include television broadcasting stations as addressed in Article III, paragraph 1 (a)(6).
 - (e) The Government of the United States shall not undertake any actions to install or operate broadcasting stations pursuant to Article III, paragraph 1(a)(6) of this Agreement without the prior agreement between the Government of the United States and the Government of Palau.

Article IV
United States Federal Programs and Services
Telecommunication Provisions

United States Federal Agencies and their United States Contractors may take in Palau measures for the installation, operation and maintenance of telecommunication services in support of United States Federal Programs and Services as set forth in the Agreement concluded pursuant to Article II of Title Two and Section 232 of the Compact.

Article V
Effective Date, Amendment and Duration

1. This Agreement may be amended by the Government of the United States of America and the Government of the Republic of Palau at any time by mutual agreement.
2. This Agreement shall remain in force in accordance with the following terms:
 - (a) Articles I, II, III and V of this Agreement shall remain in force as between the Government of the United States and the Government of Palau for the period of effectiveness of their respective Military Use and Operating Rights Agreements Concluded Pursuant to Sections 321 and 323 of the Compact; and
 - (b) Articles I, II, IV and V of this Agreement shall remain in force as between the Government of the United States and the Government of Palau for the period of effectiveness of the provisions of the Federal Programs and Services Agreement Concluded Pursuant to Article II of Title Two and Section 232 of the Compact.

This Agreement to Amend the Agreement Regarding the Operation of Telecommunication Services of the Government of the United States in Palau Concluded Pursuant to Section 132 of the Compact of Free Association shall enter into force on the date of the last note of an exchange of diplomatic notes by which the Government of the United States of America and the Government of the Republic of Palau inform each other that all internal procedures necessary for its entry into force have been fulfilled.

IN WITNESS WHEREOF, the undersigned, duly authorized by their respective Governments, have signed this Agreement.

DONE AT Honolulu, USA, in duplicate, this 3rd day of September, 2010, in the English language.

FOR THE GOVERNMENT
OF THE UNITED STATES OF AMERICA:

FOR THE GOVERNMENT
OF THE REPUBLIC OF PALAU:

